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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/809,347

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EXAMINER

DOVE, TRACY MAE

ART UNIT

PAPER NUMBER

1745

MAIL DATE

DELIVERY MODE

05/04/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/809,347

Applicant(s)

SAITO ET AL.

Examiner

Tracy Dove

Art Unit

1745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 11, 12, 21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 11, 12, 21 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 09/863,458.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

This Office Action is in response to the communication filed on 3/8/07. Applicant's arguments have been considered, but are not persuasive. Claims 1, 11, 12, 21 and 22 are pending. This Action is FINAL, as necessitated by amendment.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 21 and 22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 1 recites "the plurality of shock-absorbing ribs are formed so as to be disposed at positions respectively corresponding to positions of a plurality of electrodes", which is not supported by the specification as filed. The specification discloses annular projections formed on the inside surface of the cover that surround the electrode terminals and ribs formed on the outside surface of the cover. The annular projections and the ribs are disposed substantially symmetrically with respect to the plane of the cover (page 22). The specification does not appear to disclose ribs formed on the outside surface of the cover are positioned corresponding to the electrodes. The ribs are disposed symmetrically with the annular projections.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 21 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites “disposed at positions respectively corresponding to positions of a plurality of electrodes”, which is indefinite. It is unclear what “positions respectively corresponding to positions” encompasses. Furthermore, Examiner points out the claims are not directed toward the battery, but only towards a battery cover. The cover does not comprise electrodes.

To the extent the claims are understood in view of the 35 U.S.C. 112 rejections above, note the following prior art rejections.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 11, 12, 21 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Marukawa et al., US 6,275,003.

Marukawa teaches a battery having a cover 25,26 made of synthetic resin. A portion on the inside surface of the cover facing the connecting terminal 5,6 is provided with annular ribs

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27. The annular ribs surround the periphery of portions of the connecting terminal that projects beyond nut 24 (fixing member). Furthermore, reinforcing ribs 28 are formed in a lattice fashion on at least a portion of the outer surface of the cover facing the connecting terminal and on the periphery of the cover (5:42-62). Figure 5A shows the annular rib 27 extends towards and abuts against the nut 24 such that a bottom surface of the annular rib 27 opposes an upper surface of the nut. Figure 5A also show the terminal is received in the annular rib 27 and the reinforcing ribs 28 extend perpendicular to the outer surface of the cover. Thus the claims are anticipated.

Note the specification teaches ribs formed in a lattice pattern on the outer surface of the cover are “disposed at positions respectively corresponding to positions of a plurality of electrodes of the at least one battery”. See also Figure 5A.

»

Claim 1, 21 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Henk, US 4,400,449.

Henk teaches a battery having a top cover 43 with ribs 53 on the upper side of the cover. See Fig. 5 and col. 9, lines 11-14. The cover may comprise polystyrene (note the claims do not require the cover to *consist* of an insulating synthetic resin). Thus the claims are anticipated.

Response to Arguments

Applicant's arguments filed 3/8/07 have been fully considered but they are not persuasive.

Applicant asserts the specification discloses that ribs 2 are formed so as to be disposed at positions corresponding to the electrodes of the battery. However, the ribs do not appear to correspond to the electrodes of the battery, but appear to be in parallel with the ribs on the inside

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of the battery cover (Figure 8). It is unclear how the ribs 2 (shown in Figures 1 and 2) correspond to the electrodes (shown in Figure 4). Furthermore, the claims have been rejected as indefinite because "positions respectively corresponding to positions" has not been clarified.

Regarding Henk, the rejection is made to the extent the claims are understood in view of the indefinite rejection. Applicant has not defined "corresponding to". Furthermore, the claims are directed toward a cover and the cover does not comprise the electrodes.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tracy Dove whose telephone number is 571-272-1285. The examiner can normally be reached on Monday-Thursday (9:00-7:30).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pat Ryan can be reached on 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

May 1, 2007



TRACY DOVE
PRIMARY EXAMINER